

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as "The Board") is proposing to take the action described in the Informative Digest after considering all comments, objections and recommendations.

The Board has not scheduled a hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **January 30, 2012**. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Sections 7312, 7340 and 7362 of the Business and Professions Code and to implement, interpret or make specific Sections 7340 and 7362 of the Business and Professions Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Repeal Section 933, CCR

Sections 7312 and 7340 of the Business and Professions Code authorize the Board to establish standards and procedures for licensing examinations. The Board is seeking to repeal Section 933 because Subsection (a) is duplicative of Business and Professions Code Section 7341 and Subsection (b) no longer applies due to changes in Board examination procedures.

Amend Section 961, CCR

Sections 7312 and 7340 of the Business and Professions Code give the Board broad

authority to approve barbering and cosmetology schools and curriculums, of which textbooks and other reference materials are an important part. The Board is seeking to amend Section 961 to remove the requirement that schools provide a copy of the licensing examination "Performance Criteria developed by the Board" because the criteria is in fact no longer being developed by the Board because of changes in its testing methodology.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The Board expects a small savings due to no longer having to periodically fund occupational studies for the current examination or produce the performance criteria pamphlet given to schools that request it.

Nondiscretionary Costs/Savings to Local Agencies

None

Local Mandate

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement

None

Business Impact

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business

The cost impact that a representative private person or business would incur because of the proposed action depends upon their compliance with the Board's regulation, but is not expected to be significant.

Effect on Housing Costs

None

EFFECT ON SMALL BUSINESS

This proposal would have no effect on a small business because the proposed regulation changes either eliminate a mandate or do not apply to businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Rd., Suite 100, Sacramento, CA 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Contact Person:

Name: Kevin Flanagan
Address: 2420 Del Paso Rd., Suite 100
Sacramento, CA. 95834
Telephone: (916) 575 – 7100
Fax: (916) 575 – 7281
Email
Address: Kevin.Flanagan@dca.ca.gov

Backup Contact Person:

Name: Kari Frank
Address: 2420 Del Paso Rd., Suite 100
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Web Site Access

Materials regarding this proposal can be found at www.barbercosmo.ca.gov